

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DONALD J. SMALL and DORIS SMALL, h/w                      CASE NO.

V.

GENERAL MOTORS CORPORATION  
FEDERAL-MOGUL GLOBAL, INC.

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**NOTICE OF REMOVAL**

Defendant General Motors Corporation (the "removing defendant") hereby gives notice of the removal to the United States District Court for the Eastern District of Pennsylvania of the claims which have been asserted against them in the action captioned Donald J. Small and Doris Small, h/w v. A.O. Smith Corp., et al. now pending in the Court of Common Pleas of Philadelphia County, at No. 0206-0729. This Notice of Removal is filed pursuant to 28 U.S.C. § 1452(a), and as grounds for removal the removing defendant states the following:

1.        The action of which the removed claims are a part was commenced in the Court of Common Pleas of Philadelphia County.
2.        The removed claims are those for personal injury or wrongful death asserted against the automobile manufacturers on the basis of alleged exposure to certain of their asbestos-containing products, including brakes and other automotive parts, manufactured for the automobile manufacturers by Federal-Mogul Global, Inc., or companies that it purchased, one or more of which is a co-defendant of the automobile manufacturers.
3.        On October 1, 2001 Federal-Mogul Global, Inc. filed a voluntary petition for protection under Chapter 11 of the United States Bankruptcy Code, commencing bankruptcy case

number 01-10578 (the "Federal-Mogul Bankruptcy Case") currently pending in the United States Bankruptcy Court for the District of Delaware.

4. The removed claims may be removed to this Court pursuant to 28 U.S.C. § 1452(a): (i) the removed claims are asserted in a civil action not exempt from removal; and (ii) the Court has jurisdiction of the removed claims under 28 U.S.C. § 1334. All claims asserted against the Removing Defendant is related to the Federal-Mogul Bankruptcy Case, and the continued prosecution, outcome at trial or other resolution of the claims will have an effect on the administration of the Federal-Mogul Bankruptcy Case.

5. Removal to this Court is timely pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(3) in that the Federal-Mogul Bankruptcy Case was pending when the removed claims were asserted on or after October 1, 2001 and in that this notice has been filed within 30 days of receipt by one or all of the automobile manufacturers of a copy of the initial pleading setting forth the removed claims.

6. Upon removal, the proceedings with respect to the removed claims are non-core. The automobile manufacturers do not consent to entry of a final order or judgment by the bankruptcy judge to the extent the bankruptcy court is authorized to hear or determine such claims consistent with 28 U.S.C. § 157(b)(5).

7. The purpose of removal is to facilitate transfer of the removed claims to the United States District Court for the District of Delaware, the district court presiding over the Federal-Mogul Bankruptcy Case, to resolve on a consolidated basis the common threshold scientific issues concerning whether brakes and other automotive parts cause disease. *See, e.g., In re Dow Corning Corp.*, 1995 W.L. 495978, at \*2 (Bankr. E.D. Mich. Aug. 9, 1995) (personal injury tort claims

transferred to bankruptcy court pursuant to 28 U.S.C. § 157(b)(5) to resolve threshold scientific issues concerning whether silicone breast implants caused disease after removal to federal court pursuant to 28 U.S.C. § 1452(a)).

8. On November 20, 2001, the automobile manufacturers filed in the Federal-Mogul Bankruptcy Case a motion pursuant to 28 U.S.C. § 157(b)(5) to transfer this and all other claims related to brakes and automotive parts for consolidated resolution of the threshold scientific issues concerning whether brakes and other automotive parts cause disease.

9. On December 10, 2001 the Honorable Alfred M. Wolin issued the attached Order provisionally transferring pursuant to 28 U.S.C. § 157(b)(5) the claims asserted against the automobile manufacturers to the United States District Court for the District of Delaware.

10. On January 3, 2002, Judge Wolin issued a letter opinion and order reiterating that all asbestos friction claims against the automobile manufacturers pending in federal courts as of December 10 had been transferred, and ordering any claims removed after December 10 transferred as well. A copy of the Order and Opinion are attached to this Notice.

11. On February 8, 2002, the Honorable Alfred M. Wolin denied the "Motions to Transfer the 'Friction Claims'" and simultaneously remanded the friction products claims. Attached hereto is a copy of said Order.

12. However, on February 11, 2002, the United States Court of Appeals for the Third Circuit granted a Temporary Stay of Judge Wolin's February 8, 2002 Court Order so that the matter could be considered by a three-judge panel of that court. Attached hereto is a copy of said Order.

13. The Removing Defendant files this Notice of Removal to adequately protect the interests of Removing Defendant and to facilitate transfer of these claims to the United States District Court for the District of Delaware pursuant to Judge Wolin's provisional transfer order.

14. The automobile manufacturers will comply with 28 U.S.C. § 1446(d) by promptly giving notice of the filing of this Notice of Removal to all adverse parties to the action pending in the state court and filing a copy of this Notice of Removal with the prothonotary of the Court of Common Pleas of Philadelphia County.

Respectfully submitted,

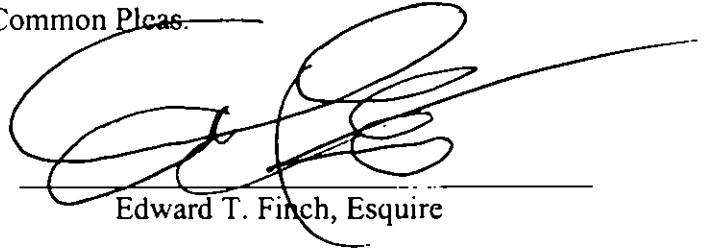
LAVIN, COLEMAN, O'NEIL, RICCI,  
FINARELLI & GRAY

BY: 

Edward T. Finch, Esquire  
Attorney for Defendant  
General Motors Corporation

**CERTIFICATE OF SERVICE**

I, Edward T. Finch, Esquire, hereby certify that pursuant to 28 U.S.C. § 1446(d) written notice of the removal of this action will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Court of Common Pleas.

A handwritten signature in black ink, appearing to be 'E. Finch', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Edward T. Finch, Esquire

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category the case for the purpose of assignment to appropriate calendar.**

Address of Plaintiff: Donald J. Small and Doris Small, h/w  
7707 Hartel Avenue  
Philadelphia, PA 19152

Address of Defendant: See attached List

Place of Accident, incident or Transaction: Various  
(Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities? Yes ☒ No ☐

**RELATED CASE IF ANY**

Case Number: 01-CV-5981 Judge Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

**CIVIL:** (Place an ☒ in **ONE CATEGORY ONLY**)

**A. Federal Question Cases:**

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FEIA
3. ☐ Jones Act - Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(please specify)-Related to Chapter 11 Filing

**B. Diversity Jurisdiction Cases:**

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability - Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate category)

I, \_\_\_\_\_, counsel of record do hereby certify

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this case exceed the sum of \$150,000 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_ 83692  
Attorney-at-Law Attorney I.D.#

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: \_\_\_\_\_  
Attorney-at-Law Attorney I.D.#

**Defendants (Names and Addresses):**

General Motors Corporation  
400 Renaissance Center  
P.O. Box 400  
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway  
Southfield, MI 48034

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

\_\_\_\_\_  
DONALD J. SMALL and DORIS SMALL, h/w

CASE NO.

V.

\_\_\_\_\_  
GENERAL MOTORS CORPORATION  
FEDERAL-MOGUL GLOBAL, INC.  
\_\_\_\_\_

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2441 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 8. ( )
- (d) Asbestos Cases involving claims for personal injury or property damage from exposure to asbestos. (X)
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

July 5, 2002

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Attorney-at-law

Edward T. Finch, Esquire

Attorney For

\_\_\_\_\_  
General Motors Corporation

## CIVIL COVER SHEET

JS-44

(Rev. 12/96)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

Donald J. Small and Doris Small, h/w

**DEFENDANTS**

SEE ATTACHED

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Robert E. Paul, Esquire  
Paul, Reich & Myers, P.C.  
1608 Walnut Street, Suite 500  
Philadelphia, PA 19103  
(215) 735-9200

**ATTORNEYS (IF KNOWN)**

Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray  
Penn Mutual Tower  
510 Walnut Street - Suite 1000  
Philadelphia, PA 19106  
(215) 627-0303

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For Diversity Cases Only)
- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CASE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Action for personal injury for asbestos exposure against Federal-Mogul Global, Inc., or companies it purchased and removing defendants, removed pursuant to 28 U.S.C. § 1452(a).

<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability  <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing, Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 515 Habeas Corpus <input type="checkbox"/> 520 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 700 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 442 Appeal <input type="checkbox"/> 28 USC 158 <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (139ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 430 Commerce/ICC Rates etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
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**VI. ORIGIN**

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened

Transferred from  
☐ 5 another district (specify) \_\_\_\_\_

☐ 6 Multidistrict Litigation

Appeal to District  
☐ 7 Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A  
☐ UNDER F.R.C.P. 23

**CLASS ACTION****DEMAND \$**

In Excess of \$50,000.00

Check YES only if demanded in complaint

**JURY DEMAND** ☒ YLS ☐**VIII. RELATED CASE(S) (See instructions) IF ANY**

JUDGE

DOCKET NUMBER 01-CV-5981

DATE July 5, 2002 SIGNATURE OF ATTORNEY OF RECORD

Edward T. Finch, Esquire

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

**Defendants (Names and Addresses):**

General Motors Corporation  
400 Renaissance Center  
P.O. Box 400  
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pncumo Abex Corp., or

T&N plc.

2655 Northwestern Highway  
Southfield, MI 48034

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY  
BY: Edward T. Finch, Esquire  
Identification No. 83692  
510 Walnut Street, Suite 1000  
Philadelphia, PA 19106  
(215) 627-0303

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DONALD J. SMALL and DORIS SMALL, h/w

V.

A.O. SMITH CORP., ET AL.

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COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

JUNE TERM, 2002

NO. 0729

**PRAECIPE TO FILE NOTICE OF REMOVAL**

**TO THE PROTHONOTARY:**

Kindly file the attached Notice of Removal in the above-captioned matter.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI,  
FINARELLI & GRAY

BY: 

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Edward T. Finch, Esquire  
Attorney for Defendant,  
General Motors Corporation



CT System

**Service of Process Transmittal Form**  
Philadelphia, Pennsylvania

06/14/2002

Via Federal Express (2nd Day)

**TO:** Gerard Cedrone  
Lavin Coleman Finarelli & Gray  
Penn Mutual Tower  
510 Walnut Street  
Philadelphia, PA 19106

**LCORF&G**

**JUN 17 2002**  
**RECEIVED**

**RE: PROCESS SERVED IN PENNSYLVANIA**

**FOR** General Motors Corporation Domestic State: De

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

- 1. TITLE OF ACTION:** Donald J. Small and Dork Small vs A.O. Smith Corp. et al Including General Motors Corporation
- 2. DOCUMENT(S) SERVED:** Notice, Complaint, Verification, Jury Demand.
- 3. COURT:** Common Pleas Court, Philadelphia County, Pennsylvania  
Case Number 000729
- 4. NATURE OF ACTION:** Asbestos litigation. Amount Claimed: In excess of \$100,000.
- 5. ON WHOM PROCESS WAS SERVED:** CT Corporation System, Philadelphia, Pennsylvania
- 6. DATE AND HOUR OF SERVICE:** By Process server on 06/14/2002 at 13:40
- 7. APPEARANCE OR ANSWER DUE:** Within 20 Days
- 8. ATTORNEY(S):** 215-735-9200  
Robert E. Paul, Esquire  
Paul, Relch & Myers, P.C.  
1608 Walnut Street  
Suite 500  
Philadelphia, PA 19103
- 9. REMARKS:** CC sent to Rosemarie Williams at General Motors.

**SIGNED** CT Corporation System

**PER** Ann Marie Armstrong  
**ADDRESS** 1515 Market Street  
Suite 1210  
Philadelphia, PA 19102  
SOP WS 0004564010

Information contained on this transmittal form is recorded for CT Corporation System's record keeping purposes only and to permit quick reference for the recipient. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information that can be obtained from the documents themselves. The recipient is responsible for interpreting the documents and for taking the appropriate action.

JURY FEE PAID

PAUL, REICH & MYERS, P.C.  
Firm No. 99997  
By: Robert F. Paul, Esquire  
Identification No. 21252  
Attorney for Plaintiff  
1608 Walnut Street, Suite 500  
Philadelphia, PA 19103  
(215) 735-9200

**THIS IS NOT AN ARBITRATION  
MATTER.  
ASSESSMENT OF DAMAGES  
HEARING NOT REQUIRED.  
JURY TRIAL DEMANDED.**

**IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY  
TRIAL DIVISION: CIVIL SECTION -**

DONALD J. SMALL and DORIS SMALL,  
h/w  
7707 Hartel Avenue  
Philadelphia, PA 19152

vs.

A.O. SMITH CORP.(369)  
11270 West Park Place  
Milwaukee, WI 53224  
(continued...)

JUNE TERM, 2002

NO.

000729

ASBESTOS CASE

ATTEST  
JUL 6 2002  
M. C. PROTHY  
PROG. PROTHY

**COMPLAINT - CIVIL ACTION  
2090 ASBESTOS**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP

PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL AND INFORMATION SERVICE  
ONE READING CENTER  
PHILADELPHIA, PENNSYLVANIA 19107  
TELEPHONE: (215) 238-1701

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiera que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACIÓN DE LICENCIADOS DE FILADELPHIA  
SERVICIO DE REFERENCIA E INFORMACIÓN  
ONE READING CENTER  
FILADELPHIA, PENNSYLVANIA 19107  
TELÉFONO. (215) 238-1701

A.W. CHESTERTON, INC.(127)  
Route 93  
Middlesex Industrial Park  
Stoneham, MA 02180

ACE HARDWARE CORP.  
2200 Kensington Court  
Oakbrook, IL 60521

AMCHEM PRODUCTS, INC.(229)  
300 Brookside Avenue  
Ambler, PA 19002

AMERICAN STANDARD, INC.  
1 Centennial Avenue  
Piscataway, NJ 08855

AZROCK INDUSTRIES(11126)  
c/o DOMCO INDUSTRIES  
1001 Yamaska St. E.  
Farnham, Que, Canada J2N1J7

BEAZER EAST (f/k/a Koppers)(440)  
c/o CABRAJA SILVERBERG & WRIGHT  
3400 Gulf Tower  
707 Grant Street  
Pittsburgh, PA 15219

BF GOODRICH COMPANY  
2550 W. Tyvola Road  
Charlotte, NC 28217-4543

BOC GROUP(466)  
575 Mountain Ave.  
Murray Hill, NJ 07974

BONDEX INTERNATIONAL, INC.(2444)  
707 Spirit40 Park Drive  
Chesterfield, MO 63005

BORG-WARNER CORPORATION(055)  
200 South Michigan Avenue  
Chicago, IL 60604

BROUDY SUPPLY CO.(7257)  
9 Union Hill Road  
West Conshohocken, PA 19428

C.E. REFRACTORIES(009)  
c/o William J. O'Brien, Esquire  
DELANEY & O'BRIEN  
Constitution Place  
325 Chestnut Street, Ste. 1212  
Philadelphia, PA 19106

CERTAIN-TEED CORPORATION(090)  
Swedesford & Old School Rds.  
Valley Forge, PA 19481

CHEVRON USA, INC. (J)  
Secretary's Department  
Attn: Hilman P. Walker  
575 Market Street, #3800  
San Francisco, CA 94105

CLEAVER-BROOKS, INC.(155)  
A Division of Aqua-Chem, Inc.  
3707 North Richards  
P. O. Box 421  
Milwaukee, WI 53201

CONGOLEUM CORPORATION(0444)  
P.O. Box 3127  
Trenton, NJ 08619

CONWED  
c/o CT  
1209 Orange St.  
Wilmington, DE 19801

COONEY BROTHERS(178)  
1850 N. Gravers Road  
Plymouth Meeting, PA 19462

CRANE CO.(11752)  
100 First Stamford Place  
Stamford, CT 06902

CROUSE-HINDS(0471)  
600 Travis  
Suite 5800  
Houston, TX 77002

DANA CORPORATION(061)  
4500 Dorr Street  
P.O. Box 1000  
Toledo, OH 43697

DURABLE MANUFACTURING CO.(2952)  
140 Sheree Blvd.  
Lionville, PA 19353

ECONOMY PLUMBING  
5245 Germantown Avenue  
Philadelphia, PA

FLINTKOTE COMPANY(019)  
Attn: Christine M. Hamilton  
Three Embarcadero Center, Ste. 1190  
Suite 1600  
San Francisco, CA 94111-4047

GARLOCK, INC.(022)  
c/o Coltec Industries, Inc.  
Three Coliseum Centre  
2730 West Tyvola Road  
Charlotte, NC 28217

GENERAL MOTORS CORPORATION(148)  
c/o CT Corporation Systems  
1635 Market Street, Suite 1120  
Philadelphia, PA 19103

GEORGIA-PACIFIC CORPORATION(244)  
c/o CT Corporation Systems  
1635 Market Street, Suite 1120  
Philadelphia, PA 19103

GOODYEAR TIRE AND RUBBER CO.  
c/o James Boyazis, V.P. & Secretary  
1144 East Market Street  
Akron, OH 44316-0001

GREENE, TWEED & COMPANY(132)  
Detweiler Road  
Kulpsville, PA 19443

HAJOCA CORPORATION(258)  
950 Township Line Road  
Chester, PA 19013

HERCULES CHEMICAL COMPANY, INC.(310)  
111 South Street  
Passaic, NJ 07055

HONEYWELL, INC.  
101 Columbia Road  
Morristown, NJ 07962

IPA SYSTEMS, INC.(427)  
2745 North Amber Street  
Philadelphia, PA 19134

J.A. Sexauer  
P.O. Box 1000  
White Plains, NY 10602

J.H. FRANCE REFRACTORIES CO.(227)  
895 Clarence Road  
Snow Shoe, PA 16874

JOHN CRANE, INC.(093)  
6400 Oakton Road  
Morton Grove, IL 60053

KAISER GYPSUM COMPANY, INC.(346)  
3000 Busch Road  
Pleasanton, CA 94566

KARNAK CORPORATION(7734)  
330 Central Avenue  
Clark, NJ 07066

KEELER-DORR-OLIVER INC.(225)  
238 West Street  
Williamsport, PA 17701

KERITE COMPANY(174)  
225 West Washington Street  
Chicago, IL 60606

KOHLER COMPANY

Kohler, WI 53044

MCCORD GASKET COMPANY(3944)  
26555 Northwestern Highway  
Southfield, MI 48034

MINNESOTA MINING AND MANUFACTURING  
3 M Center  
St. Paul, MN 55144

MOBIL OIL CORPORATION(453)  
c/o Prentice Hall Corporation  
2704 Commerce Drive, Suite B  
Harrisburg, PA 17110

MOHAWK MFG. & SUPPLY COMPANY(152)  
7354 North Caldwell Avenue  
Niles, IL 60648

MONSEY PRODUCTS(070)  
Coldstream Road  
Kimberton, PA 19442

NOSROC CORPORATION(029)  
c/o CT Corporation Systems  
1635 Market Street, Suite 1120  
Philadelphia, PA 19103

OKONITE COMPANY(3607)  
Hilltop Road  
Ramsey, NJ 07446

ORR & SEMBOWER  
2821 Turnpike Industrial Dr.  
Middletown, PA 17052

OWENS-ILLINOIS, INC.(032)  
One SeaGate  
Toledo, OH 43666

P&H SUPPLY  
7900 Rockwell Street  
Philadelphia, PA 19111

PARS MANUFACTURING COMPANY(034)  
101 South Main Street  
Ambler, PA 19002

PECORA CORPORATION(429)  
165 Wambold Road  
Harleysville, PA 19438

PEERLESS INDUSTRIES, INC.(158)  
Spring & Schaeffer Sts.  
Boyertown, PA 19512

PENNYPACK SUPPLY  
8047 Craig Street  
Philadelphia, PA 19136

PNEUMO ABEX CORPORATION(046)  
Liberty Lane  
Hampton, NH 03842

POWERMASTER PACIFIC  
3525 North 6th  
Harrisburg, PA 17110

QUIGLEY COMPANY, INC.(319)  
c/o C/T Corp.  
111 Eighth Avenue  
New York, NY 10011

RHONE-POULENC AG  
P.O. Box 12014  
2TW Alexander Drive  
Research Triangle Park, NC 27709

RILEY STOKER CORPORATION(233)  
No. 9 Neponset Street  
Worcester, MA 01606

RITE HOSE & PACKING(154)  
as successor to BEVCO INDUSTRIES  
c/o G. Daniel Bruch, Jr., Esquire  
SWARTZ, CAMPBELL & DETWEILER  
1601 Market Street  
34th Floor  
Philadelphia, PA 19103-2316

ROCKBESTOS CO.(425)  
c/o U.S. Corporation Co.  
2704 Commerce Drive, Suite B  
Harrisburg, PA 17110

SEARS ROEBUCK(5056)  
c/o CT Corporation System  
1635 Market Street, Suite 1120  
Philadelphia, PA 19103

SELBY BATTERSBY AND COMPANY(5786)  
c/o Francis McGill Hadden, Esquire  
HECKER, BROWN, SHERRY & JOHNSON  
1700 Two Logan Square  
18th & Arch Streets  
Philadelphia, PA 19103

SEPCO CORPORATION(136)  
c/o Clokan J. Hollan  
7301 Orangewood Avenue  
Garden Grove, CA 92841-1411

SID HARVEY MID ATLANTIC, INC.(160)  
410 S. Henderson Rd.  
P.O. Box 1330  
King of Prussia, PA 19406

SLOAN VALVE COMPANY(202)  
10500 Seymour Avenue  
Franklin Park, IL 60131

SOS PRODUCTS COMPANY(5462)  
4th and Railroad Streets  
East Greenville, PA 18041

UNION CARBIDE CORP.(081)  
c/o Joan Murphy, Esquire  
KELLEY, DRYE & WARREN  
101 Park Avenue  
New York, NY 10178-0002

UNIROYAL, INC.(043)  
70 Great Hill Road  
Naugatuck, CT 06770

VELLUMOID, INC.(313)  
54 Rockdale Street  
Worcester, MA 01606

WEIL McLAIN, A Division of The Marley Company, A Wholly Owned  
Subsidiary of United Dominion Industries, Inc.(163)  
Glaine Street  
Michigan City, IN 46360

WEINSTEIN SUPPLY CO.(264)  
Wycombe & Midway Ave.  
Lansdowne, PA 19050

WILLIAM BETZ PLUMBING SUPPLY  
2826 Frankford Ave.  
Philadelphia, PA 19134

PAUL, REICH & MYERS, P.C.  
Firm No. 99997  
By: Robert E. Paul, Esquire  
Identification No. 21252  
Attorney for Plaintiff  
1608 Walnut Street, Suite 500  
Philadelphia, PA 19103  
~~(215) 735-9200~~

**THIS IS NOT AN ARBITRATION  
MATTER.  
ASSESSMENT OF DAMAGES  
HEARING NOT REQUIRED.  
JURY TRIAL DEMANDED.**

**IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY  
TRIAL DIVISION: CIVIL SECTION**

DONALD J. SMALL and DORIS SMALL,  
h/w  
7707 Hartel Avenue  
Philadelphia, PA 19152

vs.

A.O. SMITH CORP.(369), et al.  
11270 West Park Place  
Milwaukee, WI 53224

: JULY TERM, 2002  
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: NO.  
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: ASBESTOS CASE

**COMPLAINT - CIVIL ACTION  
ASBESTOS**

1. Plaintiffs, Donald J. Small and Doris Small, husband and wife, reside at 7707 Hartel Avenue, Philadelphia, Pennsylvania, and are citizens of the Commonwealth of Pennsylvania.

2. Plaintiff, Donald J. Small, was born on May 30, 1938, and his social security number is 175-30-6725.

3. Plaintiff Donald J. Small's only dependent is his wife Doris Small.

4. Plaintiff, Donald J. Small, has smoked approximately 1 packs of cigarettes per day from 1958 until 1976.

5. Plaintiff's Social Security and IRS records will be furnished upon receipt.

6. Plaintiff's work history is as follows:

(a) from 01/01/1956 to 01/01/1958 - R.D. Wood (6th & Chestnut St., Phila.) as an accounting trainee

(b) from 01/01/1958 to 01/01/1960 - U.S. Army as a spec. 4/c

(c) from 01/01/1960 to 10/31/1962 - Western Electric as an installer (offices)

(d) from 11/01/1962 to present - School District of Phila.-Local 1201 as a plumber

7. Plaintiff was exposed to asbestos at all sites set forth supra.

8. Plaintiff incorporates by reference against defendants all the allegations of the Complaints filed in Joan Nealy, Executrix of Harry Platt v. Abex Corporation, et al., Philadelphia C.P. May Term, 1985, No. 2678, Rafael and Cecilia Montero v. Abex Corporation, et al., Philadelphia C.P. July Term, 1986, No. 1216, and Richard and Suzanne Balbirer v. Abex Corporation, et al., Philadelphia C.P. July Term, 1986, No. 649, and in Anna Tedeschi, Administratrix of Cosmo Tedeschi v. Abex Corporation, et al., Philadelphia C.P. January Term, 1986, No. 1641, and in the Master Plaintiffs' Complaint filed and prepared pursuant to the Order establishing the Master Pleadings Procedure in the Court of Common Pleas as if fully set out herein.

9. All allegations against defendants named in this lawsuit that were made in the Complaints filed in the lawsuits annotated in Paragraph 8 above or in the Master Complaint are incorporated by reference.

10. The defendants are those companies listed in the caption. The principal places of business and the states of incorporation of each of the defendants are set out in the above-referenced filed master complaint or herein.

(a) A.O. Smith, a Wisconsin corporation with its principal place of business in Wisconsin at all times sold asbestos containing products or designed its products to contain asbestos. Such asbestos products gave off asbestos dust which was inhaled by Plaintiff which caused the injuries complained of herein. A.O. Smith is also sued in its capacity as successor in interest to Clark Controller and is responsible for injuries caused by exposure to the products of Clark Controller. That company manufactured, distributed and sold asbestos containing products on cranes and other equipment. Exposure to asbestos dust and fibers from Clark Controller asbestos products caused the injuries complained of herein.

(b) At all times material, Ace sold asbestos products which caused the injuries complained of herein.

(c) Defendant, American Standard, Inc. is the successor in interest to Westinghouse Air Brake Co., which sold asbestos-containing products such as, but not limited to, gaskets, brake shoes and brake linings. American Standard or its other predecessor, Ideal, sold asbestos-containing boilers and cement to which plaintiff was exposed.

(d) Defendant, Azrock Industries, is a Delaware corporation with its principal place of business located in San Antonio, Texas. At all times material to this action, Defendant, sold asbestos containing products to which plaintiff or decedent was exposed. This exposure was a substantial contributing factor to the injuries complained of herein.

(e) Defendant, Beazer East, Inc. (f/k/a Koppers Industries, Koppers Company, Inc., and Koppers Company), is a Pennsylvania corporation with its principal place of business in Pennsylvania. At all times material it sold asbestos containing roofing and other asbestos products to which Plaintiff was exposed and which caused his injury.

(f) Defendant, BF Goodrich Company, is a New York corporation with its principal place of business located at 3925 Embassy Parkway, Akron, Ohio. At all times material it sold cement and brake linings to which the injured person was exposed.

(g) Defendant, BOC Group, is a New York corporation with its principal place of business located at 65 E. 55th Street, New York, New York.

(h) Defendant, Bondex International, Inc., is a Missouri corporation with its principal place of business located at 3616 Scarlet Oak Boulevard, St. Louis, Missouri, and is the successor in interest to Reardon which sold asbestos-containing joint compound. Bondex also sold asbestos joint compound.

(i) Broudy Supply Company is a Pennsylvania corporation with its principal place of business at 25th & York. At all times material to this action, defendant sold asbestos-

containing products to which plaintiff or decedent was exposed and which caused the injuries complained of herein.

(j) Defendant, Chevron USA is a Delaware Corporation with its principal place of business at 575 Market Street, San Francisco, California. At all times material it sold asbestos panel and roofing products to which plaintiff was exposed.

(k) Defendant, Cleaver-Brooks, Inc., is a Delaware corporation with a principal place of business located in Lebanon, Pennsylvania. At all times material hereto Cleaver-Brooks, Inc. sold boilers which were designed or intended to be insulated with asbestos. Because the boilers failed to contain adequate and sufficient warnings of the possible hazards of asbestos, they were defective and the conduct of defendant in selling that those products without such warnings was negligent. Since asbestos insulation on the boilers had to be removed, it was dangerous and warnings should have been given.

(l) Defendant, Congoleum Corporation, is a New Jersey corporation with its principal place of business located in Trenton, New Jersey which sold asbestos tile and floor products to which plaintiff was exposed.

(m) Conwed is a Delaware Corporation with its principal place of business in Minnesota. At all times material it and its predecessor Wood Conversion Company manufactured and sold asbestos containing products including but not limited to Lo-Tone Ceiling tiles and Lay-In panels.

(n) Crane Company is a Delaware Corporation with its principal place of business in Connecticut. It is the successor in

interest to its former parent, Crane Company, an Illinois corporation, and liable for injuries due to exposure to the former Illinois Crane's asbestos products. At all times material to this action, Crane's predecessor sold Cranite sheet packing, packing for valves, braided asbestos, wick and rope packing, asbestocel, 85% magnesia, wool felt and other asbestos pipe insulation. Exposure to the asbestos dust from these products caused the injuries complained of herein.

(o) Defendant, Crouse-Hinds, is a Texas corporation with its principal place of business located in Houston, Texas. Crouse-Hinds is a mere creature and alter ego or a predecessor in interest to Cooper Industries which is liable for any and all damages for injuries suffered from exposure to Crouse-Hinds products. Plaintiff/decedent used, handled or was exposed to Chico X asbestos fiber which was distributed or sold by Crouse-Hinds.

(p) Economy Plumbing is a Pennsylvania Corporation. At all times material it sold asbestos to which the injured person was exposed and which caused the injuries herein.

(q) General Motors is a Delaware corporation with its principal place of business in Michigan. At all times it sold asbestos brake linings, clutches, gaskets and paper. It also sold vehicles designed and intended to include asbestos products either of General Motors or others including engines. It is also sued as a premises defendant for injuries suffered in its Anderson, Indiana plant where the injured party was exposed and for the Allison plant in the Indianapolis area.

(r) Defendant, Goodyear Tire & Rubber Co., is a

corporation organized and existing under the laws of the Commonwealth of Kentucky with its principal place of business in Kentucky and is doing business in the Commonwealth of Pennsylvania. At all times material hereto, defendant, Goodyear Tire & Rubber Co., manufactured, produced and sold asbestos products either directly or indirectly, in the geographical area in which plaintiffs worked and/or to the employers of the plaintiffs, including, but not limited to, asbestos brake linings.

(s) Defendant, Greene, Tweed & Company, is a Pennsylvania corporation with its principal place of business located at Detweiler Road, Kulpsville, Pennsylvania.

(t) Defendant, Hercules Chemical, is a New Jersey corporation with its principal place of business at 111 South Street, Passaic, New Jersey. At all times material to this action defendant sold asbestos containing products such as Fireite, Hercules Furnace Cement, Hi-Heat Furnace Cement, For Heat's Sake Staput Roof and Flashing Cement to which the injured person was exposed. The injured person inhaled asbestos dust from the asbestos products which caused the injuries complained of herein.

(u) Defendant, HONEYWELL at all times material sold and/or installed V493 and V893 electric diaphragm gas valves, and C434 pilotstat and Q235, 300, 309A1, and 309A2 thermocouples containing asbestos to or use on the Lattner boiler at issue herein. As a result of the asbestos being released during installation, operation or repair of the Lattner boiler at issue herein, the asbestos was inhaled by the injured person causing the injuries complained of herein.

(v) Defendant, IPA Systems, Inc., is a Pennsylvania corporation with its principal place of business located at 2745 North Amber Street, Philadelphia, Pennsylvania. IPA Systems, Inc. is the successor in interest to Penn Crete Products. Penn Crete Products was a Pennsylvania corporation with its principal place of business located at 2745 North Amber Street, Philadelphia, Pennsylvania. At all times material hereto Penn Crete sold asbestos-containing joint compound or cement to which plaintiff was exposed.

(w) Defendant, Sexauer J.A. Manufacturing Company is a California corporation with its principal place of business located at 105 Mayo Avenue, Vallejo, California. At all times material to this action it sold asbestos-containing products to which plaintiff or decedent was exposed. This exposure was a substantial contributing factor to the injury complained of herein.

(x) Defendant, John Crane, Inc., formerly known as Crane Packing and John Crane-Houdaille, is a Delaware corporation with its principal place of business at 6400 Oakton Road, Morton Grove, Illinois.

(y) Defendant, Kaiser Gypsum Company, Inc., is a California corporation with its principal place of business located at 3000 Busch Road, Pleasanton, California. At all times material it sold asbestos cement, board, joint compound and other products.

(z) Defendant, Karnak Corporation is a New Jersey corporation with its principal place of business in New Jersey. At all times material it sold asbestos products to which the injured person was exposed and which caused the injuries complained of herein. Such asbestos products included but are not limited to 155

Amphibikote.

(aa) Defendant, Keeler/Dorr - Oliver Boiler Co., is a Pennsylvania Corporation with its principal place of business at 238 West Street, Williamsport, Pennsylvania. At all times material to this action, Keeler/Dorr-Oliver or its predecessor in interest, Keeler, sold boilers designed to include asbestos for which it knew or should have known would be insulated with asbestos and on which asbestos would be installed and from which asbestos would be removed. As a result of working on, in or around Keeler boilers, employee herein was exposed to asbestos which caused his injuries.

(bb) Defendant, Kerite Company, is a Connecticut corporation with its principal place of business located at 49 Day Street, Seymour, Connecticut.

(cc) Kohler Company is a Wisconsin corporation with its principal place of business in Wisconsin. At all times material to this action, it sold asbestos-containing boilers and/or asbestos cement, paper, gaskets, board and other asbestos products to which plaintiff was exposed. Such exposure caused the injuries complained of herein.

(dd) At all times material defendant Minnesoty Mining and Manufacturing sold asbestos products which caused the injuries complained of herein.

(ee) Defendant, Mobil Oil Corporation, is a Delaware corporation whose principal place of business is located in New York. Mobil sold Dum Dum asbestos products to which plaintiff/decedent was exposed and which caused the injuries complained of herein.

(ff) Defendant, Okonite Company, is a Delaware corporation with its principal place of business at Hilltop Road, Ramsey, New Jersey. At all times material, it sold asbestos-containing wire and cable to which plaintiff/decedent was exposed.

(gg) At all times material to this action defendant sold, manufactured, distributed, repaired or was responsible for boilers. These boilers caused the injuries complained of herein.

(hh) P&H Supply is a Pennsylvania corporation with its principal place of business in Pennsylvania. At all times material, it sold asbestos products to which plaintiff was exposed and which caused plaintiff's injury.

(ii) Defendant, Pars Manufacturing Company, is a Pennsylvania corporation with its principal place of business located at 101 South Main Street, Ambler, Pennsylvania.

(jj) Defendant, Pecora Corporation, is a Pennsylvania corporation with its principal place of business located at 165 Wambold Road, Harleysville, Pennsylvania. Pecora Corporation at all times material hereto, manufactured, supplied, distributed and/or produced any and all of the asbestos-containing products to which the plaintiff/decedent was exposed through his employment including, but not limited to, Red Devil Furnace Cement, sealings and other products.

(kk) At all times material, Pennypack Supply sold asbestos containing products to which plaintiff was exposed.

(ll) At all times material Powermaster sold boilers insulated with asbestos and/or supplied replacement asbestos products used on its boilers. Exposure to the asbestos on the

Powermaster boiler caused the injuries complained of herein.

(mm) Defendant, Rhone-Poulenc, is a Delaware corporation with its principal place of business in North Carolina. It is the successor in interest to Amchem and Benjamin Foster and is responsible for injuries due to exposure to asbestos of Benjamin Foster.

(nn) Defendant, Sears Roebuck is a New York corporation with its principal place of business in New York. At all times material to this action it sold asbestos-containing products including but not limited to Master-mixed Asbestos Fiber Roof Cement. Said products were sold without adequate and sufficient warnings and exposure to such products which caused the injuries complained of herein.

(oo) Defendant, Selby Battersby and Company, was a Pennsylvania corporation with its principal place of business at 5220 Whitby Avenue, Philadelphia, Pennsylvania, 19143 and at all times material it sold asbestos-containing spray and other asbestos-containing products to which Plaintiff was exposed.

(pp) Defendant, Sloan Valve Company, is an Illinois corporation with its principal place of business located at 10500 Seymour Avenue, Franklin Park, Illinois.

(qq) Defendant, SOS Products Company, is a Pennsylvania corporation with its principal place of business located at 4th and Railroad Streets, East Greenville, Pennsylvania. At all times material to this action it sold asbestos containing products to which plaintiff or decedent was exposed. This exposure was a substantial contributing factor to the injuries complained of

herein.

(rr) Defendant, Vellumoid, Inc., is a North Carolina corporation with its principal place of business at 54 Rockdale Street, Worcester, Massachusetts. At all times material to this action Vellumoid or its predecessors in interest including W.R. Grace manufactured, distributed or sold asbestos gasket materials, rolls, or compressed sheets. As a result of its intended and foreseeable use, this equipment would become old and frayed and would emit asbestos dust and fibers which plaintiff/decedent inhaled.

(ss) Defendant, William Betz Plumbing Supply, is a Pennsylvania corporation with its principal place of business located at 2826 Frankford Avenue, Philadelphia, Pennsylvania.

11. During the course of his employment at the worksites noted in Paragraph 6 supra, plaintiff believes and there fore avers that he was exposed to asbestos fiber or asbestos products manufactured, sold, distributed, or otherwise placed into the stream of commerce by the defendants. The term asbestos products as used herein include asbestos-containing products such as boilers and engines and furnaces and turbines. The term asbestos-containing as used herein mans products sold with asbestos or products whose designers, manufacturers and fabricators knew, should or could have known that it would be insulated or could be insulated with asbestos.

12. Plaintiff does not now know whether or not he was exposed to asbestos products at worksites other than those enumerated in Paragraph 6 above, but he reserves his right to assert

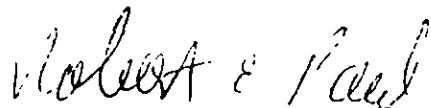
at trial that he was so exposed at the other sites, should such evidence develop. Plaintiff avers that should such evidence develop, he will promptly notify defendants well in advance of trial.

13. Donald J. Small was diagnosed as having contracted Pleural Disease - Symptoms as a result of his asbestos exposure on or about June 13, 2000 by Dr. Jonathan L. Gelfand and such diagnosis was accompanied by discernible or ascertainable physical symptoms and/or functional impairment and/or other detrimental effects as a result of the exposure to asbestos. Plaintiff has developed symptoms due to his asbestos inhalations and injuries.

14. Plaintiffs plead for all of the items of damages set forth in the Complaints filed in the cases of Rafael Montero and Richard Balbirer and in the Master Complaint for all asbestos cases in the Court of Common Pleas which Complaints are referenced in Paragraph 8 of this Complaint.

**WHEREFORE**, plaintiffs demand of defendants a sum in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of interest and costs for compensatory damages, and a sum in excess of Fifty Thousand Dollars (\$50,000.00) in punitive damages.

PAUL, REICH & MYERS, P.C.

BY:   
ROBERT E. PAUL

VERIFICATION

I hereby certify that I am a Plaintiff in the instant matter and the facts contained herein are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Donald Small